

**REMARKS**

Applicant hereby traverses the outstanding rejections and request reconsideration and withdrawal in view of the remarks contained herein. Applicant has amended the specification to correct two typographical errors and to substitute patent numbers for attorney docket numbers as requested by the Examiner. Applicant has amended claims 1, 3, 5, 7, 12, and 15, and added new claims 16-20. Claims 1-20 are pending in this application.

**Objection to the Specification**

The Examiner has objected to the disclosure because of informalities related to the use of attorney docket numbers where patents have issued in the interim. Applicant has amended the specification to replace the attorney docket numbers with the appropriate patent numbers. No new matter has been added. In view of the amendments, Applicant respectfully requests that the objection to the specification be withdrawn.

**Rejection under 35 U.S.C. § 112, second paragraph**

Claims 7 and 15 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In response, Applicant has amended claim 7 to replace “computer assembly” with “chassis base” which has antecedent basis in claim 1. Applicant has also amended claim 15 to clarify that the tabs on the chassis base engage with the slots on the mounting assembly. The claims have been amended only for the purpose of complying with the requirements of 35 U.S.C. § 112, second paragraph, and not for the purpose of narrowing their scope in the face of prior art. No new matter has been entered. As each element of indefiniteness cited by the Office Action has been addressed with a corresponding amendment, Applicant respectfully requests the rejection of claims 7 and 12 under 35 U.S.C. § 112, second paragraph be withdrawn.

**Judicially Created Double Patenting Rejection**

Applicant notes the Examiner’s rejection of claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of United States Patent Number 6,616,106. Applicant proposes filing a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) if the Examiner’s rejection still properly stands upon Notice of Allowability of the present case.

**Rejection of Claims 1, 3, 8, 10 and 15 under 35 U.S.C. § 102**

Claims 1, 3, 8, 10 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,779,197 to Kim, (hereinafter Kim).

It is well-settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Applicant respectfully asserts that the rejection does not satisfy these requirements.

Claim 1, as amended, requires a plurality of tabs on the chassis base for engaging with the tapered mounting bracket assembly slots. The elements of Kim recited by the Examiner do not meet this limitation. Fixing portions 222 shown in Figure 5 of Kim, which are related to bracket assembly slots by the Examiner do not, and cannot engage with the cut-outs on the bottom of mounting frame 210, which the Examiner has called tabs on the chassis base. As claim 1, as amended, requires that the tabs on the chassis base are for engaging with the bracket assembly slots, Kim does not and cannot meet at least this limitation.

As claims 3, 8, and 10 depend directly from base claim 1, they inherit all limitations of the base claim, and therefore lack at least the limitation set forth above.

As shown above, Kim does not teach all elements of the claims. Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim” for a disclosure to properly form the basis of a 35 U.S.C. § 102 rejection, see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts tabs for engaging the bracket assembly slots, as well as the features of the dependent claims set forth above, are not present in the disclosure of Kim. Therefore, the 35 U.S.C. § 102 rejection of claim 1, and the dependent claims 3, 8 and 10, should be withdrawn.

Claim 15 requires a plurality of horizontal pegs on a mounting assembly, the pegs engaging with the slotted brackets to provide a positive stop for the mounting assembly. The Examiner asserts that the lock claws 236 of Kim are pegs which engage with slots 210A. While the lock claws 236 may engage with the engagement apertures 210A of the mounting frame 210, Kim does not disclose that they provide a positive stop for the mounting frame 220. Column 11, lines 1-7. Lock claws 236 and engagement apertures 210A do not provide a positive stop for mounting frame 210; instead, the front frame 240 is sized larger than the front of mounting frame 210 so that the wall of the front frame 240 is blocked by the front

edges of mounting frame 210, thereby providing a positive stop for mounting chassis 220 when it is inserted into mounting frame 210. Column 12, lines 22-29.

Kim does not teach all elements of claim 15. Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim” for a disclosure to properly form the basis of a 35 U.S.C. § 102 rejection, see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts at least horizontal pegs of a mounting assembly that engage with slotted brackets to provided a positive stop for the mounting assembly are not present in the disclosure of Kim. Therefore, the 35 U.S.C. § 102 rejection of claim 15 should be withdrawn.

#### **Rejection of Claims 12-14 under 35 U.S.C. § 102**

Claims 12-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,564,804 to Gonzalez, (hereinafter Gonzalez).

It is well-settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

The Examiner has rejected claims 12-14 as being anticipated by Gonzalez. Claim 12, as amended, requires that the means for securing comprise a rotatable handle means. As can be seen with reference to Figure 2 of Gonzalez, subassembly 108 does not have a rotatable handle means as part of the means for securing. As claims 13 and 14 depend directly from base claim 12, they inherit all limitations of the base claim, and therefore lack at least the limitation set forth above.

As shown, Gonzalez does not teach all elements of the claims. Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim” for a disclosure to properly form the basis of a 35 U.S.C. § 102 rejection, see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant

respectfully asserts that at least a rotatable handle means is not present in the disclosure of Gonzalez. Therefore, the 35 U.S.C. § 102 rejection of claim 12, and the dependent claims 13 and 14, should be withdrawn.

**Rejection under 35 U.S.C. § 103**

Claims 4 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Gonzalez. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Patent No. 6,402,288 to Rhodes et al. (hereinafter, "Rhodes"). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Patent No. 5,828,547 to Francovich et al. (hereinafter, "Francovich").

Claims 4, 6, 7, and 9 all depend from claim 1. Claim 1 is defined as described above. As set forth above, Kim does not disclose all the limitations of claim 1. Gonzalez, Rhodes, or Francovich are not relied upon in the Office Action as disclosing these limitations. Therefore, the combinations of references cited by the Examiner against claims 4, 6, 7 and 9 do not teach all elements of the claimed invention.

Claims 4, 6, 7 and 9 depend directly from base claim 1, and thus inherit all limitations of claim 1. Each of the claims 4, 6, 7 and 9 sets forth features and limitations not recited by the combination of Kim and either Gonzalez, Rhodes, or Francovich. Thus, Applicant respectfully asserts that for at least the above reasons claims 4, 6, 7 and 9 are patentable over the 35 U.S.C. § 103(a) rejection of record.

**Conclusion**

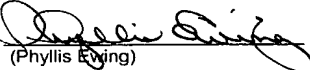
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10017981-2 from which the undersigned is authorized to draw.


Dated: December 21, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482746058US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 21, 2004

Signature:   
(Phyllis Ewing)

Respectfully submitted,

By   
Michael A. Papalas  
Registration No.: 40,381  
Attorney for Applicant

(214) 855-8186